

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 684

Introduced by Assembly Member Block

February 17, 2011

~~An act to amend Section 66010.4 of the Education Code, relating to postsecondary education. An act to add Section 72036 to the Education Code, relating to community colleges.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 684, as amended, Block. ~~Postsecondary education. Community college districts: trustee elections.~~

Existing law establishes the California Community Colleges, which are administered by the Board of Governors of the California Community Colleges. The board of governors provides general supervision over each community college district and performs specified functions. Each community college district is under the control of a board of trustees.

Existing law provides various procedures for the nomination and election of the governing boards of community college districts. Existing law specifies the number of members on the board, residency requirements, length of terms, and the drawing of trustee boundaries.

This bill would, upon the board of trustees adopting a resolution in support of electing the trustees pursuant to this act, establish a procedure for the election of members, and the reapportionment of trustee areas of the governing board.

The bill would provide that candidates for election to the board be nominated by trustee area, as defined, at a primary election held on the date of the statewide direct primary election. The 2 candidates

receiving the highest number of votes would be the nominees for the general election for that trustee area. The candidate receiving a majority of the votes cast in the general election would be elected to represent that district, and would hold office for a 4-year term, as specified. Members of the board holding office on the effective date of this act would continue to hold office, as specified.

The bill would provide that the governing board be composed of 5 to 9 members, as determined by the board. The board would be required to establish, abolish, or adjust trustee areas and terms of office, as specified.

This bill would require the board to set the boundaries of each trustee area before March 1, 2012, to reflect the 2010 decennial census. If the board fails to so set the boundaries, the county committee on school district organization would be required to set them before April 30, 2012. The boundaries would be set so that the population of each area is in proportion to the other districts. Thereafter the boundaries may be adjusted, abolished, or rearranged as specified.

~~Existing law, known as the Donahoe Higher Education Act, specifies that public higher education consists of the California Community Colleges, the California State University, and the University of California, and sets forth, among other things, the missions and functions of California's public and independent segments of higher education.~~

~~This bill would make nonsubstantive, technical changes to those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 72036 is added to the Education Code,
- 2 to read:
- 3 72036. Notwithstanding any other provision of law, the number
- 4 of members, the election of members, and the reapportionment of
- 5 trustee areas of the governing board of a community college district
- 6 shall, upon the board of trustees adopting a resolution in support
- 7 of electing the trustees pursuant to the act that enacted this section
- 8 at the 2011–12 Regular Session of the Legislature, be provided
- 9 for pursuant to this section.
- 10 (a) (1) Candidates for election as a member of a governing
- 11 board of a district shall be nominated by trustee area at a district

1 *primary election held on the date of the statewide direct primary*
2 *election. At the district primary election, the two candidates*
3 *receiving the highest number of votes within the trustee area shall*
4 *be nominees for the district general election for that trustee area,*
5 *and the nominee who receives a majority of the votes cast by the*
6 *voters of the trustee area in the district general election shall be*
7 *elected to represent that trustee area. The district general election*
8 *shall be held on the same date as the statewide general election.*

9 (2) *Candidates for election as members of a governing board*
10 *shall file a declaration of candidacy as provided in this code. Each*
11 *member of a governing board elected at a district general election*
12 *shall hold office for a term of four years commencing on the first*
13 *Friday in December next succeeding his or her election.*

14 (3) *The members of the governing board in office on the effective*
15 *date of the act that enacted this section at the 2011–12 Regular*
16 *Session of the Legislature shall hold office until the first Friday*
17 *in December of the year in which their respective terms of office*
18 *would otherwise have terminated, or until a successor qualifies*
19 *therefor.*

20 (b) *The territory of a district shall be divided into trustee areas*
21 *and one member of the governing board shall be elected from each*
22 *trustee area. A candidate for election as a member of the governing*
23 *board shall reside in, and be registered to vote in, the trustee area*
24 *he or she seeks to represent.*

25 (c) *The governing board of a district shall be composed of not*
26 *less than five members and not more than nine, as determined by*
27 *the governing board. Sections 5019 to 5030, inclusive, do not apply*
28 *to the governing board's determination of the number of members*
29 *pursuant to this subdivision. If the number of members of a*
30 *governing board is increased or decreased, a governing board*
31 *shall establish new trustee areas, abolish trustee areas, or adjust*
32 *the boundaries of trustee areas so that the number of trustee areas*
33 *is equal to the number of governing board members. If the number*
34 *of members of a governing board is increased, the additional*
35 *members of the governing board shall be elected at the next regular*
36 *general district election of board members occurring at least 123*
37 *days after the governing board approved the increased number of*
38 *board members. Prior to the next district general election, the*
39 *governing board shall divide by lot the additional trustee area*
40 *positions that are created so that the term of one-half of the board*

1 *members elected to those positions shall expire on the first Friday*
2 *in December following the next district general election. The term*
3 *of the other board members elected to fill the remainder of the*
4 *additional positions shall expire on the first Friday in December*
5 *following the second district general election succeeding their*
6 *election.*

7 *(d) The governing board shall set the boundaries of each trustee*
8 *area before March 1, 2012, to reflect the population enumerated*
9 *in the 2010 decennial federal census. If the governing board fails*
10 *to set the boundaries before March 1, 2012, the county committee*
11 *on school district organization shall do so before April 30, 2012.*
12 *The boundaries of each trustee area shall be set so that the*
13 *population of each area is, as nearly as may be, the same*
14 *proportion of the total population of the district as each of the*
15 *other areas. Thereafter, the boundaries of trustee areas shall be*
16 *adjusted pursuant to Section 5019.5 and may be abolished or*
17 *rearranged as otherwise provided in this code.*

18 ~~SECTION 1. Section 66010.4 of the Education Code is~~
19 ~~amended to read:~~

20 ~~66010.4. The missions and functions of California's public~~
21 ~~and independent segments, and their respective institutions of~~
22 ~~higher education, shall be differentiated as follows:~~

23 ~~(a) (1) The California Community Colleges, as a primary~~
24 ~~mission, shall offer academic and vocational instruction at the~~
25 ~~lower division level for both younger and older students, including~~
26 ~~those persons returning to school. Public community colleges shall~~
27 ~~offer instruction through but not beyond the second year of college.~~
28 ~~These institutions may grant the associate in arts and the associate~~
29 ~~in science degree.~~

30 ~~(2) In addition to the primary mission of academic and~~
31 ~~vocational instruction, the community colleges shall offer~~
32 ~~instruction and courses to achieve all of the following:~~

33 ~~(A) The provision of remedial instruction for those in need of~~
34 ~~it and, in conjunction with the school districts, instruction in~~
35 ~~English as a second language, adult noncredit instruction, and~~
36 ~~support services that help students succeed at the postsecondary~~
37 ~~level are reaffirmed and supported as essential and important~~
38 ~~functions of the community colleges.~~

1 ~~(B) The provision of adult noncredit education curricula in areas~~
2 ~~defined as being in the state's interest is an essential and important~~
3 ~~function of the community colleges.~~

4 ~~(C) The provision of community services courses and programs~~
5 ~~is an authorized function of the community colleges if their~~
6 ~~provision is compatible with an institution's ability to meet its~~
7 ~~obligations in its primary missions.~~

8 ~~(3) A primary mission of the California Community Colleges~~
9 ~~is to advance California's economic growth and global~~
10 ~~competitiveness through education, training, and services that~~
11 ~~contribute to continuous work force improvement.~~

12 ~~(4) The community colleges may conduct to the extent that state~~
13 ~~funding is provided, institutional research concerning student~~
14 ~~learning and retention as is needed to facilitate their educational~~
15 ~~missions.~~

16 ~~(b) The primary mission of the California State University is~~
17 ~~undergraduate and graduate instruction through the masters degree.~~
18 ~~The university shall offer undergraduate and graduate instruction~~
19 ~~through the masters degree in the liberal arts and sciences and~~
20 ~~professional education, including teacher education. Presently~~
21 ~~established two-year programs in agriculture are authorized, but~~
22 ~~other two-year programs shall be permitted only when mutually~~
23 ~~agreed upon by the Trustees of the California State University and~~
24 ~~the Board of Governors of the California Community Colleges.~~
25 ~~The university may award the doctoral degree jointly with the~~
26 ~~University of California, as provided in subdivision (c) and~~
27 ~~pursuant to Section 66904. The university may also award the~~
28 ~~doctoral degree jointly with one or more independent institutions~~
29 ~~of higher education, provided that the proposed doctoral program~~
30 ~~is approved by the California Postsecondary Education~~
31 ~~Commission. Research, scholarship, and creative activity in support~~
32 ~~of its undergraduate and graduate instructional mission is~~
33 ~~authorized in the California State University and shall be supported~~
34 ~~by the state.~~

35 ~~(c) The University of California may provide undergraduate~~
36 ~~and graduate instruction in the liberal arts and sciences and in the~~
37 ~~professions, including the teaching professions. It shall have~~
38 ~~exclusive jurisdiction in public higher education over instruction~~
39 ~~in the profession of law and over graduate instruction in the~~
40 ~~professions of medicine, dentistry, and veterinary medicine. It has~~

1 the sole authority in public higher education to award the doctoral
2 degree in all fields of learning, except that it may agree with the
3 California State University to award joint doctoral degrees in
4 selected fields. The University of California shall be the primary
5 state-supported academic agency for research.
6 (d) The independent institutions of higher education shall
7 provide undergraduate and graduate instruction and research in
8 accordance with their respective missions.